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Paper No. 6

INHALE THERAPEUTIC SYSTEMS, INC
150 INDUSTRIAL ROAD
SAN CARLOS CA 94070

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Patton
Application No. 09/577,264
Filed: May 22, 2000
Attorney Docket No. 0002.12

This is a decision on the petition under 37 CFR 1.137(a), filed February 25, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed August 21, 2000. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 22, 2000. A Notice of Abandonment was mailed on February 11, 2002.

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:

- (1) include a statement from practitioner stating that the Office action was not received,
 - (2) attest that a search of the file jacket has been made,
 - (3) attest that a search of all relevant docket records has been made,
 - (4) include a copy of the docket record where the Office action would have been entered had it been received, and
 - (5) include any additional information which may be required by the Commissioner.
- See MPEP 711.03(c)(II).

As to (2), petitioner has failed to state that a search of the file jacket has been performed and that the file jacket does not contain the Notice of Missing Parts.

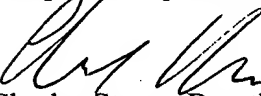
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy